

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANTHONY D. MELBOURNE,

Defendant.

CR-8-150-GF-BMM

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on September 21, 2021. (Doc. 79.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on September 20, 2021. (Doc. 74.) The United States accused Melbourne of violating his conditions of

supervised release 1) by using methamphetamine on three separate occasions; 2) by to report to his probation officer as directed; and 3) by committing another crime. (Doc. 73.)

At the revocation hearing, Melbourne admitted to violating the conditions of his supervised release 1) by using methamphetamine on three separate occasions; 2) by to report to his probation officer as directed. Melbourne denied alleged violation 5. The Court dismissed alleged violation 5 on the government's motion (Doc. 74.) Judge Johnston found that the violations Melbourne admitted proved to be serious and warranted revocation, and recommended that Melbourne receive a custodial sentence of 24 months with a no supervised release to follow. (Doc. 79.) Melbourne was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 74.) The violations prove serious and warrant revocation of Melbourne's supervised release. The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 79) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant Anthony D. Melbourne be sentenced to the custody of the United States Bureau of Prisons for 24 months, with no supervised release to follow.

DATED this 6th day of October, 2021.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive, flowing style.

Brian Morris, Chief District Judge
United States District Court

